

BOARD OF APPEALS CASE NO. 5107

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BEFORE THE

**APPLICANT: Riverside Parkway Ltd. Partnership
and Harford County Government**

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ZONING HEARING EXAMINER

**REQUEST: Interpretation to correct a mapping
error; 1319-1327 Riverside Parkway, Belcamp**

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 11/29/00 & 12/6/00

HEARING DATE: January 8, 2001

Record: 12/1/00 & 12/8/00

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ZONING HEARING EXAMINER'S DECISION

The Applicant, Riverside Parkway Limited Partnership, and Co-Applicant, Harford County Government, seek an interpretation, pursuant to Section 267-10D of the Harford County Code, to correct a mapping error made during the 1997 Comprehensive Rezoning from R4/Urban Residential District to B3/General Business District.

The subject property is located at 1319-1327 Riverside Parkway, Belcamp, Maryland 21017 and is more particularly identified on Tax Map 57 and 62/ Grid 4E/Parcel 336, Lots 1-5. The parcels are currently shown on the zoning maps as R4/Urban Residential, however, they should be shown as B3/General Business District, the correct zoning as determined by the Harford County Council.

Mr. Anthony McClune testified on behalf of the Applicant and the Department of Planning and Zoning. Mr. McClune described the zoning history of the property as follows:

During the 1957 Comprehensive Review, the site was zoned AG/Agricultural. In 1976, the property was rezoned to R3/Urban Residential. In 1984, the property was again rezoned to R4/Urban Residential. In 1989, during Comprehensive Rezoning, at the request of Bata Land Company, Inc. And pursuant to a specific issue, the County Council approved rezoning of the subject property to B3/General Business. The property was not a specific issue during the 1997 Comprehensive Rezoning Review.

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At the time of Comprehensive Rezoning there already existed on the parcel a shopping center which would become non-conforming if the parcel was rezoned to R4 and this was not intended by the County Council. The Department of Planning and Zoning reviewed all of the information in the Comprehensive Rezoning Files and found no request for rezoning by the owner of the property, no such request by the Department of Planning and Zoning and no discussion of this property and any rezoning associated with it by the Harford County Council. The Department of Planning and Zoning feels strongly that this was a drafting error and supports approval of a mapping change to properly designate the parcel as B3/General Business District.

There was no evidence presented contradicting the conclusions of the Department of Planning and Zoning and no persons appeared in opposition to the subject request.

CONCLUSION:

Harford County Code Section 267-10D provides:

“Map errors: permitting adjustment of any boundary line to conform to the intent of the comprehensive rezoning and that said adjustment is necessary to rectify a map-drafting error which occurred during the comprehensive rezoning process.”

The Hearing Examiner concludes that the current map designation of this property as R4/Urban Residential was a designation resulting from a map drafting error and recommends that the Department of Planning and Zoning be permitted to rectify the error in drafting which occurred during the Comprehensive Rezoning process.

Date JANUARY 26, 2001

William F. Casey
Zoning Hearing Examiner